

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 29, 2009
COUNCIL CHAMBERS
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - a. Conference with Legal Counsel- Existing Litigation pursuant to Government Code Section 54956.9(a)
Name of case: Pfeiffer and Hansen vs. City of Sunnyvale and Palo Alto Medical Foundation, Santa Clara County Superior Court No. 109-CV-4182790
 - b. Conference with Legal Counsel- Anticipated Litigation
Initiation of litigation pursuant to Government Code Section 54956.9(c); one potential case
4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

<i>Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.</i>

CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY – Boards and Commissions Oath of Office

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.

SPECIAL ORDER OF THE DAY – National Breast Cancer Awareness Month

CLOSED SESSION REPORT FOR SEPTEMBER 29, 2009

- a. Closed Session pursuant to Government Code Section 54956.9(a) –
Conference with Legal Counsel- Existing Litigation
- b. Closed Session pursuant to Government Code Section 54956.9(c) – *Conference with
Legal Counsel- Anticipated Litigation*

PUBLIC ANNOUNCEMENTS

*Each speaker is limited to three minutes for announcements
of community events, programs, or recognition.*

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of September 1, 2009
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 09-248 Nos. 469, 470, 471 & 472

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.D. MOTION Appropriation of Emergency Management Performance Grant Funds and
RTC 09-243 Approval of Budget Modification No. 7

Staff Recommendation: Approve Alternative 1: Approve Budget Modification No. 7 to
accept and appropriate the Emergency Management Performance Grant Funds monies
for the local emergency preparedness efforts.

Staff Contact: Lt. Jeff Hunter, (408) 730-7157

- 1.E. MOTION Carryover of Council Technology Funds from FY 2008/09 to FY 2009/10
RTC 09-247 and Approval of Budget Modification No. 9

Staff Recommendation: Approve the carryover of \$2,600 in technology funds in
accordance with Council Policy 7.3.13, and Budget Modification No. 9.

Staff Contact: Robert Walker, (408) 730-7458

- 1.F. MOTION Approval of Budget Modification No. 8 to Appropriate Traffic Safe
RTC 09-252 Communities Network Grant Funds

Staff recommendation: Adopt Budget Modification No. 8 to appropriate the Traffic Safe
Communities Network grant funds for the installation of pedestrian countdown signals at
Hollenbeck Road and Danforth Drive.

Staff Contact: Jack Witthaus, (408) 730-7330

Personnel

- 1.G. MOTION Amendment of the City's Contribution for CalPERS Medical Insurance for
RTC 09-241 Management, SEA and SEIU Annuitants (Retirees)

Staff Recommendation: Approve Alternative 1: Adopt the resolution amending the City's contribution for medical insurance with CalPERS in compliance with the Public Employees' Medical and Hospital Care Act, and to amend the Salary Resolution to reflect the change in contribution.

Staff Contact: Dee Schabot, (408) 730-7534

Contracts

- 1.H. MOTION Grant Agreement with Sunnyvale Community Services for
RTC 09-240 Implementation of a Homelessness Prevention and Rapid Re-Housing Program in Sunnyvale

Staff Recommendation: Approve the grant agreement with Sunnyvale Community Services for a sub-recipient grant of \$495,486 to implement the HPRP program in Sunnyvale, and direct the City manager to execute the contract by September 30, 2009. The Agreement includes a schedule of performance which will ensure that the City meets the HUD deadlines for expenditure of HPRP funds over the three year term.

Staff Contact: Suzanne Ise, (408) 730-7698

Contracts: Sunnyvale Works!

- 1.I. MOTION Award of Sunnyvale Works! Bid No. F0908-15 Concrete Sidewalk, Curb &
RTC 09-253 Gutter Replacement - 2010 CDBG

Staff Recommendation: Award a contract in the amount of \$448,860 to Nor-Cal Concrete, Inc., for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met. Approve a project contingency in the amount of \$44,886.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.J. MOTION Award of Sunnyvale Works! Bid No. F0907-05 Storm System
RTC 09-254 Improvements Taylor Avenue and McKinley Avenue

Staff Recommendation: Award a contract in the amount of \$324,000 to Peak Engineering, Inc., for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met; and approve a project contingency in the amount of \$32,400.

Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.K. RESOLUTION Adoption of a Resolution Summarily Vacating a 10-foot Wide Public
RTC 09-246 Utility Easement and a 5-foot Wide Wire Clearance Easement at 1250
Kifer Road

Staff Recommendation: Adopt the resolution vacating a 10-foot wide Public Utility Easement and a 5-foot wide Wire Clearance Easement at 1250 Kifer Road; and authorize the city clerk to cause a certified copy of the resolution to be recorded with the county recorder's office.

Staff Contact: Erik Gonzales, (408) 730-7616

- 1.L. ORDINANCE Adoption of Ordinance No. 2902-09 Amending the Precise Zoning Plan,
No. 2902-09 Zoning Districts Map, to Rezone 25 Parcels Surrounded by Bobwhite
Avenue and Bobolink Circle, APN Nos. 309-02-020 Through 309-02-044,
From R-0 (Low Density Residential) District to R-0/S (Low Density
Residential/Single-Story Combining) District

Staff Recommendation: Council approve the second reading of Ordinance No. 2902-09.

Staff Contact: David Kahn, City Attorney (408) 730-7464

**STAFF RESPONSES TO
PRIOR PUBLIC
COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

PUBLIC COMMENTS

This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a maximum of three minutes per speaker. If your subject is not on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.

2. MOTION Theatre Use Policies & Practices (Study Issue)
RTC 09-245

Staff Recommendation: Approve Alternatives 1, 7 and 8.

1. Maintain Sunnyvale Theatre's operating practices for scheduling as they currently exist with emphasis on operating and scheduling theatre to maximize attendance and revenue.
7. Reduce the amount of rehearsal time groups are allotted to allow the City to expand

current program offerings and provide additional time for rental use by other community groups.

8. Reduce the number of show weeks for resident companies to expand access for other community groups and generate additional rental revenue for the Community Recreation Fund.

Staff Contact: Nancy Bolgard Steward, (408) 730-7342

3. MOTION Consider Municipal Code Revisions to Allow for the Filtering of
RTC 09-249 “Graywater” and the reuse of Filtered Gray Water for Household
Purposes (Study Issue)

Staff Recommendation: Take no action at this time. Reconsider this issue following staff’s participation in the Santa Clara County Graywater Working Group, toward development of a model ordinance to include nominal permitting requirements, as well as potentially design guidance for homeowners and comments on the emergency building standards modifications. Staff to return to Council with recommendations related to the model ordinance.

Staff Contact: Lorrie Gervin, (408) 730-7268

4. MOTION Consider Use of Hendy Iron Man Museum for a Cultural Amenity – Phase
RTC 09-242 II (Study Issue)

Staff Recommendation: Approve Alternative 1: Conclude this study based on the information from Northrop Grumman stating they are not in a position to commit to a museum facility on their campus at the present time.

Staff Contact: Cathy Merrill, (408) 730-7531

5. ORDINANCE Ordinance Amending Chapter 3.16 (Transient Occupancy Tax) of Title 3
RTC 09-244 (Revenue and Finance) of the Sunnyvale Municipal Code Related to
Payment of Assessed Taxes Required Prior to Legal Action

Staff Recommendation: Approve Alternative 1: Adopt Ordinance Amending Chapter 3.16 (Transient Occupancy Tax) of Title 3 (Revenue and Finance) of the Sunnyvale Municipal Code By Adding Section 3.16.170 Requiring Payment of Assessed Taxes Prior to Legal Action.

Staff Contact: David Kahn, City Attorney (408) 730-7464

6. MOTION Revisiting Definition of “Study Issue”
RTC 09-239

Staff Recommendation: Reinstate the original concept behind the creation of the study issues process - defer prioritization of complex study issues until the annual workshop, thereby allocating staff resources after discussion and ranking of all complex issues - and defer to the city manager in determining what may be addressed outside of the study issue process.

Staff Contact: Yvette Blackford, (408) 730-7536

7. COUNCIL Discussion and Possible Action regarding Downtown Association's
DISCUSSION Wednesday Night Jazz Series

Recommendation: Discussion and possible action regarding Downtown Association's Wednesday Night Jazz Series.

Contact: Councilmember John Howe, (408) 730-7473

8. COUNCIL Consider Sunnyvale's Position on Issue of Representation on Valley
DISCUSSION Transportation Authority Board

Recommendation: Consider Sunnyvale's position on issue of representation on Valley Transportation Authority Board.

Contact: Councilmember Dean Chu, (408) 730-7473

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of Arts Commission Meeting of August 19, 2009
- Draft Minutes of Parks and Recreation Commission Meeting of September 9, 2009
- Draft Minutes of Board of Library Trustees Meeting of September 14, 2009
- Draft Minutes of Housing and Human Services Commission Meeting of August 26, 2009
- Draft Minutes of Heritage Preservation Commission Meeting of September 2, 2009
- RTC 09-250 Opportunity for Council to Appeal Decisions of the Planning Commission of September 14, 2009 and the Administrative Hearing of September 16, 2009
- RTC 09-251 Board and Commission Resignation (Information Only)

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a maximum of three minutes per speaker. If your subject is not on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chamber, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, please provide 12 copies of the materials to the city clerk (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
Sept. 29, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 6, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 20, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 27, 2009	Council Meeting	7 p.m.	Council Chamber
Nov. 17, 2009	Council Meeting	7 p.m.	Council Chamber
Nov. 24, 2009	Council Meeting	7 p.m.	Council Chamber
Dec. 1, 2009	Council Meeting	7 p.m.	Council Chamber
Dec. 8, 2009	Council Meeting	7 p.m.	Council Chamber
Dec. 15, 2009	Council Meeting	7 p.m.	Council Chamber

OTHER SCHEDULED MEETINGS

Sept. 28, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Sept. 28, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Sept. 30, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Oct. 5, 2009	Board of Library Trustees	7 p.m.	Library Program Rm A
Oct. 12, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Oct. 12, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Oct. 14, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Oct. 14, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Oct. 15, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
Oct. 19, 2009	Personnel Board	5 p.m.	Council Chamber
Oct. 21, 2009	Arts Commission	7 p.m.	Council Chamber
Oct. 26, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Oct. 26, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Oct. 28, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Oct. 28, 2009	Housing and Human Services Commission	7 p.m.	West Conference Rm
Nov. 4, 2009	Heritage Preservation Commission	7 p.m.	West Conference Rm
Nov. 11, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Nov. 18, 2009	Arts Commission	7 p.m.	Council Chamber
Dec. 9, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Dec. 16, 2009	Arts Commission	7 p.m.	Council Chamber

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

Sept. 29, 2009	City Council Meeting – Live	7 p.m.
Sept. 30, 2009	City Council Meeting – Replay of Sept. 29, 2009	7 p.m.
Oct. 4, 2009	City Council Meeting – Replay of Sept. 29, 2009	4 p.m.
Oct. 6, 2009	City Council Meeting – Live	7 p.m.
Oct. 7, 2009	City Council Meeting – Replay of Oct. 6, 2009	7 p.m.
Oct. 11, 2009	City Council Meeting – Replay of Oct. 6, 2009	4 p.m.